



February 23, 2001

HOUSE BILL No. 1221

DIGEST OF HB 1221 (Updated February 21, 2001 8:07 PM - DI 98)

Citations Affected: IC 31-37; IC 34-31.

Synopsis: Supervision of suspended or expelled children. Provides that a student who has been suspended or expelled from school is required to remain at the student's residence during school hours. The parents or guardian of a student who has violated this chapter are not eligible for the \$5,000 damages cap under IC 34-31-4-1. Establishes penalties for violating this chapter. Establishes exceptions for a student who is accompanied by the student's parent, lawfully working, or responding to an emergency. Makes conforming amendments.

Effective: July 1, 2001.

Mellinger, Burton

January 9, 2001, read first time and referred to Committee on Human Affairs.
February 22, 2001, amended, reported — Do Pass.

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HB 1221—LS 6993/DI 51+



February 23, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1221

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-37-2-7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]: **Sec. 7. A child commits a delinquent act if, before**
4 **becoming eighteen (18) years of age, the child commits suspension**
5 **truancy under IC 31-37-3.5.**

6 SECTION 2. IC 31-37-3.5 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2001]:

9 **Chapter 3.5. Suspension Truancy**

10 **Sec. 1. This chapter does not apply to a student who is:**

- 11 (1) **accompanied by the student's parent, guardian, or**
12 **custodian;**
13 (2) **engaging in lawful employment under adult supervision;**
14 **or**
15 (3) **responding to an emergency that requires the student to**
16 **leave the student's residence.**

17 **Sec. 2. A student who:**

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- (1) has been suspended or expelled from school; and
 - (2) leaves the student's residence or property:
 - (A) while the student is suspended or expelled; and
 - (B) while the school from which the student has been suspended or expelled is in session;
- commits suspension truancy, a class D infraction.

Sec. 3. (a) A law enforcement officer who observes a student committing suspension truancy shall:

- (1) issue a citation to the student;
- (2) return the student to the student's residence; and
- (3) notify the student's parent, guardian, or custodian as soon as practically possible.

(b) A law enforcement officer who has observed a violation of this chapter shall forward:

- (1) a copy of the citation; and
- (2) a report of the incident;

to the juvenile probation department of the county.

Sec. 4. The five thousand dollar (\$5,000) cap on damages provided in IC 34-31-4-1 does not apply to the parent or guardian of a student who has committed a violation of this chapter.

Sec. 5. (a) In addition to the penalty provided in IC 34-28-5-4, a student who has violated the provisions of this chapter may be required to perform:

- (1) ten (10) hours of community service, for the student's first violation of this chapter; or
- (2) twenty (20) hours of community service, for the student's second violation of this chapter.

(b) If a student has committed three (3) or more violations under this chapter, the court shall file a report with the county office of family and children to determine whether the student is a child in need of services under IC 31-34-1.

SECTION 3. IC 34-31-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. Except as provided in section 2 of this chapter or in IC 31-37-3.5, a parent is liable for not more than five thousand dollars (\$5,000) in actual damages arising from harm to a person or damage to property knowingly, intentionally, or recklessly caused by the parent's child if:

- (1) the parent has custody of the child; and
- (2) the child is living with the parent.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1221, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1221 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 11, nays 1.

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